



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

COLSF 11.1 V1

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OFFICE OF REGIONAL COUNSEL  
SOLID WASTE AND EMERGENCY RESPONSE  
EPA - REGION X

**MEMORANDUM**

TO: Neil Thompson, Hazardous Waste Division, Region X  
Cindy Mackey, Office of Regional Counsel, Region X

FROM: Arthur B. Weissman, Chief *ABW*  
Guidance and Evaluation Branch

RE: De Minimis Settlements Survey

Please find attached a survey form for the de minimis settlement(s) related to the Colbert Landfill site. In an effort to facilitate the greater use of de minimis settlements, we are developing a database of specific information about each settlement reached to date. Once these details are compiled, we will review the similarities and differences among the settlements to detect common issues, successful approaches, and frequent pitfalls.

Although we have already retrieved substantial information from the settlement documents, CERCLIS, and other headquarters surveys, we would like to draw upon your expertise for details of the settlements that are not recorded elsewhere (e.g., volumetric cut-offs, premium calculations, etc.).

Please take the time to complete this survey as fully as possible, and return it within two weeks of the date of this memo. We are sending this form to both the appropriate RPM and ORC attorney; however, **please coordinate your response and return only one form per settlement.**

I greatly appreciate your cooperation in this effort, and will keep you informed as our analysis of these settlements progresses.

If you have any questions about this survey or the database in general, please feel free to call Nicole Veilleux of my staff at (703) 603-8939.

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## De Minimis Data Survey Form

Please complete one form for each de minimis settlement. Verify information already completed, and make any necessary corrections. If you have questions, please call Nicole Veilleux in the CERCLA Enforcement Division at (703) 603-8939. Please complete this form and return it to her attention, mailcode: 5502-G.

### Settlement Information

1. Site Name & State: Colbert Landfill, WA
2. No. of parties noticed overall: \_\_\_\_\_
3. No. of parties noticed as *de minimis*: \_\_\_\_\_
4. No. of *de minimis* PRPs that settled: 1
5. No. of *de minimis* settlors that were municipalities: \_\_\_\_\_
6. Did any eligible *de minimis* parties join with or settle with the major parties?  
☐ Yes ☐ No If yes, how many? \_\_\_\_\_
7. At what point was the settlement reached?  
☐ Pre-RI/FS ☐ Pre-ROD ☐ Prior to start of RD/RA negs. ☐ After the start of RD/RA negs.  
☐ Post-RD/RA entry ☐ Other \_\_\_\_\_
8. Was any component of the settlement *early de minimis* (i.e., future costs were estimated before ROD signature)? ☐ Yes ☐ No
9. According to our records, there are 0 other *de minimis* settlements at this site. Correct?
10. If the settlement was reached through an AOC, please note the following dates:  
Date sent to DOJ:   /  /   Date signed by RA or designee:   /  /    
Date approved by DOJ:   /  /   Effective date of Order:   /  /    
Date of Federal Register Notice:   /  /
11. What was the established volumetric cut-off for eligibility for the settlement? \_\_\_\_\_
12. Was the national model *de minimis* document used as a basis for negotiations?  
☐ Yes ☐ No If not, what other document was used? \_\_\_\_\_
13. What significant changes to the national model, if any, would you recommend?  
Please specify on separate sheet and/or attach relevant language.

### Background Information

14. What sources were used to perform the allocation?  
☐ Logs ☐ Invoices ☐ Interviews ☐ Manifests ☐ Other: \_\_\_\_\_  
If necessary, please specify on separate sheet.
15. Who performed the allocation (i.e., transactional database/waste-in list)?  
☐ EPA ☐ PRPs ☐ Other: \_\_\_\_\_
16. When was the waste-in data released?  
☐ With Info. Req. Letter ☐ With Special Notice for RI/FS  
☐ With General Notice ☐ With Special Notice for RD/RA ☐ Other: \_\_\_\_\_
17. After the PRPs were noticed and the data were released, who maintained the transactional database? ☐ EPA ☐ PRPs ☐ Other: \_\_\_\_\_
18. Did the non-*de minimis* parties:
  - a. Submit comments opposing the settlement during public comment? ☐ Yes ☐ No
  - b. Seek to intervene or set aside the settlement through judicial action? ☐ Yes ☐ No
  - c. Sue the *de minimis* parties (e.g., for contribution, cost recovery)? ☐ Yes ☐ No
  - d. Oppose the *de minimis* parties in any other way? ☐ Yes ☐ No  
If so, please specify: \_\_\_\_\_
  - e. Have the opportunity to review/comment on the settlement terms of the *de minimis* offer (e.g., volumetric ranking, premium, cut-off)? ☐ Yes ☐ No

## **De Minimis Data Survey Form**

### **Page 2 -- Confidential Information**

*The following information will be held in confidence and will not be released without approval from the Region. Please answer all questions as completely as possible, adding additional sheets as necessary. Attach any supplementary information (e.g., 10-point analysis) that may be useful to understanding how the de minimis settlement was conducted.*

**1. Were owner/operator, orphan shares, or non-viable PRPs addressed in the volumetric rankings? In the premium calculation? In another manner? If so, how?**

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**2. What was the premium used? How was it calculated? What risks does it address (e.g., cost overrun)?**

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**3. What methodologies were used to perform the volumetric rankings (e.g., all materials converted to gallons)?**

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### **Important**

**Please complete the following information:**

**Remedial Project Manager:**

**Name:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Office of Regional Counsel Attorney:**

**Name:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Who completed this survey (if different from above)?**

**Name:** \_\_\_\_\_

**Phone:** \_\_\_\_\_